



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GROVER SELLERS
ATTORNEY GENERAL

Honorable Herbert C. Wilson, Assistant
Executive Director
State Department of Public Welfare
Austin 3, Texas

Dear Sir:

Opinion No. 0-6201

Re: The right of the State
Department of Public
Welfare to enclose non-
advertising governmental
matter to assist the war
effort.

Your letter of recent date states:

"We have been requested by the War Food Administration to enclose a copy of the attached card with our public assistance warrants. As you will note, the card is not an advertisement, but only a statement from the War Food Administration urging all citizens to save kitchen fats for war purposes.

"Since it is for the furtherance of the war effort, we could arrange to enclose it in the envelopes containing the public assistance warrants with little extra work on the part of the Department. It would not require additional postage or additional expense on the part of the Department.

"Is there any legal reason why this card could not be mailed with the individual warrants to the recipients since there would be no additional expense to the Department."

Article 4386a of Vernon's Annotated Civil Statutes of Texas added by the Acts of the 43rd Legislature, page 103, chapter 51, is as follows:

Honorable Herbert C. Wilson - page 2

"Warrants for the purchase of United States postage stamps and for the payment of postoffice box rents by any board or department of the State Government shall be drawn upon the State Treasurer by the State Comptroller in favor of the United States Postoffice; and the State Treasurer shall pay warrants so issued out of any funds appropriated for such purposes, irrespective of the serial number of said warrants and irrespective of the priority of the issuance of said warrants, and such warrants shall be endorsed by the postmaster of the United States Postoffice to which they are made payable."

The 1943 appropriation to the State Department of Public Welfare, laws of 1943 Regular Session, pages 991 et seq, enumerates three separate items for postage, same being items 257, 297 and 313 of said appropriation bill. Appended to each divisional appropriation is the following:

"* * * In addition to this appropriation out of State funds for administrative expenses for the biennium, the State Department of Public Welfare is authorized to accept from the Federal Social Security Board any funds that may be allocated to said State Department of Public Welfare for administering assistance to the needy blind, and said State Department can use such federal sums allocated for administrative expense in addition to the funds appropriated for the purpose out of said State funds; * * *"

The only prohibition for the use of the postage money is private purpose. It will be noted that the Federal Government appropriates moneys to pay the administrative expenses of the department. The governmental matter you wish to insert in the envelopes urges the saving of "Kitchen Fats for War Use" and advises the saving of "Every Drop of Used Kitchen Fat" so that same can be used "In the Manufacture of Hundreds of Vital Items

Honorable Herbert C. Wilson - page 3

used on the Fighting and Production Fronts."

We find nothing in the statutes that would prevent you from enclosing the exhibits in the envelopes containing public assistance warrants.

Yours very truly

ATTORNEY GENERAL OF TEXAS

David Wuntch
By

David Wuntch
Assistant

DW:z4

APPROVED JUL 2 1945

Gross Sellers
ATTORNEY GENERAL OF TEXAS

